

PATENT COOPERATION TREATY

PCT

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INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

(Chapter II of the Patent Cooperation Treaty)

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference P3S2004388	FOR FURTHER ACTION		See Form PCT/IPEA/416
International application No. PCT/JP2005/004729	International filing date (day/month/year) 10.03.2005	Priority date (day/month/year) 11.03.2004	
International Patent Classification (IPC) or national classification and IPC INV. F01N3/025 F01N9/00 F01N3/08 F01N3/035			
Applicant TOYOTA JIDOSHA KABUSHIKI KAISHA et al.			
<p>1. This report is the international preliminary examination report, established by this International Preliminary Examining Authority under Article 35 and transmitted to the applicant according to Article 36.</p> <p>2. This REPORT consists of a total of 5 sheets, including this cover sheet.</p> <p>3. This report is also accompanied by ANNEXES, comprising:</p> <p>a. <input type="checkbox"/> <i>(sent to the applicant and to the International Bureau) a total of sheets, as follows:</i></p> <ul style="list-style-type: none"> <input type="checkbox"/> sheets of the description, claims and/or drawings which have been amended and are the basis of this report and/or sheets containing rectifications authorized by this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions). <input type="checkbox"/> sheets which supersede earlier sheets, but which this Authority considers contain an amendment that goes beyond the disclosure in the international application as filed, as indicated in item 4 of Box No. I and the Supplemental Box. <p>b. <input type="checkbox"/> <i>(sent to the International Bureau only) a total of (indicate type and number of electronic carrier(s)) , containing a sequence listing and/or tables related thereto, in electronic form only, as indicated in the Supplemental Box Relating to Sequence Listing (see Section 802 of the Administrative Instructions).</i></p>			
<p>4. This report contains indications relating to the following items:</p> <ul style="list-style-type: none"> <input checked="" type="checkbox"/> Box No. I Basis of the report <input type="checkbox"/> Box No. II Priority <input type="checkbox"/> Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability <input type="checkbox"/> Box No. IV Lack of unity of invention <input checked="" type="checkbox"/> Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement <input type="checkbox"/> Box No. VI Certain documents cited <input type="checkbox"/> Box No. VII Certain defects in the international application <input type="checkbox"/> Box No. VIII Certain observations on the international application 			
Date of submission of the demand 14.12.2005	Date of completion of this report 16.06.2006		
Name and mailing address of the international preliminary examining authority:  European Patent Office - P.B. 5818 Patentlaan 2 NL-2280 HV Rijswijk - Pays Bas Tel. +31 70 340 - 2040 Tx: 31 651 epo nl Fax: +31 70 340 - 3016	Authorized officer Blanc, S Telephone No. +31 70 340-4108		



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International application No.
PCT/JP2005/004729

Box No. I Basis of the report

1. With regard to the **language**, this report is based on
 - the international application in the language in which it was filed
 - a translation of the international application into , which is the language of a translation furnished for the purposes of:
 - international search (under Rules 12.3(a) and 23.1(b))
 - publication of the international application (under Rule 12.4(a))
 - international preliminary examination (under Rules 55.2(a) and/or 55.3(a))
2. With regard to the **elements*** of the international application, this report is based on (*replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report*):

Description, Pages

1-34 as originally filed

Claims, Numbers

1-14 as originally filed

Drawings, Sheets

1/10-10/10 as originally filed

a sequence listing and/or any related table(s) - see Supplemental Box Relating to Sequence Listing

3. The amendments have resulted in the cancellation of:
 - the description, pages
 - the claims, Nos.
 - the drawings, sheets/figs
 - the sequence listing (*specify*):
 - any table(s) related to sequence listing (*specify*):
4. This report has been established as if (some of) the amendments annexed to this report and listed below had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).
 - the description, pages
 - the claims, Nos.
 - the drawings, sheets/figs
 - the sequence listing (*specify*):
 - any table(s) related to sequence listing (*specify*):

* If item 4 applies, some or all of these sheets may be marked "superseded."

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Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N) Yes: Claims 1-14

No: Claims

Inventive step (IS) Yes: Claims 1-14

No: Claims

Industrial applicability (IA) Yes: Claims 1-14

No: Claims

2. Citations and explanations (Rule 70.7):

see separate sheet

Re Item V

Reasoned statement with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

Reference is made to the following document:

D1: US4574589

1. The document D1 is regarded as being the closest prior art to the subject-matter of claim 1, and shows (see figure 1 and 3 and description column 3 to 6):

a regeneration controller for regenerating an exhaust purification apparatus that is arranged in an exhaust passage for an internal combustion engine, wherein the exhaust purification apparatus includes an upstream purification portion and a downstream purification portion, the regeneration controller comprising:

- a difference detector (14) for detecting at least one of a difference in exhaust pressure, between a first location upstream from the exhaust purification apparatus and a second location downstream from the exhaust purification apparatus, and a difference in exhaust temperature, between a third location upstream from the downstream purification portion of the exhaust purification apparatus and a fourth location downstream from the third location;
- a calculation section (10) for calculating an estimated accumulation amount of particulate matter in the exhaust purification apparatus;
- a heating control section (10) for heating the exhaust purification apparatus to eliminate the particulate matter from the exhaust purification apparatus when the estimated accumulation amount is greater than a reference accumulation amount; and

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- a correction control section (10) for correcting the estimated accumulation amount in accordance with the engine conditions like its load and speed.

- 1.1. The subject-matter of claim 1 differs from this known regeneration controller in that it further comprises

a correction control section (10) for correcting the estimated accumulation amount in accordance with the at least one difference, when the estimated accumulation amount falls within a correction determination reference range due to the heating and the at least one difference is greater than a correction reference value.

- 1.2. The subject-matter of claim 1 is therefore new (Article 33(2) PCT).

- 1.3. The object of the present invention may be regarded as to provide a controller that minimizes the difference between the estimated accumulation amount and the actual accumulation amount of particulate matter.

- 1.4. The solution to this problem proposed in claim 1 of the present application is considered as involving an inventive step (Article 33(3) PCT) because none of the cited documents suggest to correct the accumulation amount during regeneration and based on the regeneration conditions, more specifically based on the heat brought to the filter. This solution allows to eliminate more accurately the particles.

2. For the same reasons as above, the independent claim 2 is also new and inventive.

3. Claims 3-14 are dependent on claim 1 and as such also meet the requirements of the PCT with respect to novelty and inventive step.